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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,593	12/05/2001	Roy F. Brabson	RSW920010174US1	3527

7590 04/12/2006
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EXAMINER

SHAW, YIN CHEN

ART UNIT PAPER NUMBER

2135

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/007,593

Applicant(s)

BRABSON ET AL.

Examiner

Yin-Chen Shaw

Art Unit

2135

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-6, 12-17, 21-23, and 25-26.
Claim(s) withdrawn from consideration: 7, 8, and 24.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 3. NOTE:

Claims 18-20 are NOT entered because they contain new issues that address the limitation to the security directives.

Claim 9 is NOT entered because the change on the scope of limitation. Specifically, in the Final Rejection, dated on Feb. 13, 2006, Claim 9 is depended only on the Claim 7. However, the proposed amendment has Claim 9 depended on Claim 1, which contains limitations of the cancelled Claims 7 and 8. Therefore, Claim 9 raises a new issue since it contains limitation that is not presented before.

Claims 10 and 11 are NOT entered because they are depended on the claim (Claim 8) that has been cancelled.


Continuation of 7. NOTE:

Claim 1 now includes limitations from Claims 7 and 8, which has been rejected under Krause in view of Mod_SSL manual. Specifically, Claim 7 recites the limitations on supporting at least one of security directive in the secure processing, and Claim 8 recites invoking the at least one of security directive during the execution of the application program.

Krause discloses specifically the support of the system call in the user application when data is to be written through the TCP/IP connection by transferring the data from the user space to the kernel space [In Fig. 2, when user application 106 desires to write data via a TCP/IP connection, application 106 transmits the data to socket 108 by invoking system call, such as a send() command. The system call invokes a copyin() function that transfers data from user space 102 into kernel space 104 (lines 41-45, Col. 5 and Fig. 2)], and the data is encrypted by the security encryption module [Encryptor module 112 encrypts the data, TCP layer 114 and IP layer 116 perform processing in according with the TCP/IP protocol (lines 46-48, Col. 5)]. Krause et al. further discloses the encryption process performed by the encryption module may be added to any TCP/IP stack or to the DLPI layer by using the autopush facility [In addition, computer 100 can be configured to add encryption to any TCP/IP stack using the STREAMS autopush facility. The autopush facility allows modules to be automatically pushed on the stack by the operating system whenever predefined types of stacks are opened. For example, with the autopush facility properly configured, whenever a user application opens a TCP/IP stack, an encryption module is also pushed onto the stack after TCP layer 114 (lines 65-67, Col. 5 and lines 1-6, Col. 6). This mechanism works well with the autopush facility, because the operating system can be configured to automatically push encryptor module 112 onto DLPI layer 118 and link encryptor module 112 to IP layer 116 whenever a stream referencing the file name associated with encryption is opened. In addition, autopush can be configured to not push encryptor module 112 onto DLPI layer 118 when a stream referencing the file name associated with a stack that does not encrypt is opened (lines 16-25, Col. 6)], and the support of an "ifconfig" function call that is used to define the encryption parameters and other network interface parameters [Accordingly, the present invention includes a modified ifconfig function call that is capable of defining encryption parameters along with the other network interface parameters (lines 38-41, Col. 6)]. Therefore, Krause discloses the function call above that can be security-related (in addition to supporting and invoking in the application execution time of calls such as send() and copyin()) due to its association in defining the network interface and encryption parameters. This clearly contradicts Applicant's argument that Krause or Mod_SSL manual, alone or in combination, do not teach or suggest such functionality since Krause does teach the at least one security call (directive) that can be supported and invoked. Because of the security-related "ifconfig" call, which is used for defining the encryption parameters, one of the ordinary skill in the art at the time of the invention would be able to combine Krause with the Mod_SSL manual to further support and invoke the verity of SSL security calls (directives).

As for Claims, 25-26, they are the means for and computer-readable program claims, respectively, that now include limitations similar to those of the ones in Claim 1. Thus, they are rejected based on the same rationale as set forth in Claim 1 rejection above.

In summary, Claims 1 and 25-26 are rejected while Claims 9-11 and 18-20 are not entered. For proposed amended Claims 1, 25, and 26, the combination of Krause et al. and Mod_SSL manual still teach the scope of the claim limitations based on the reasons stated above. Applicant is informed that the proposed amendment on Claims 1, 25, and 26 are entered in the event that Applicant proceeds to the Appeal stage and filing of the Request for Continued Examination is advised if all of claims (Claims 1-26) are requested for further search and examination.


HOSUK SONG
PRIMARY EXAMINER